

**Beach Regulatory Advisory Committee**

**Introductory Meeting**

**July 9, 2014**

**9:00 AM to 11:30 AM**

**University of Delaware's Cannon Lab**

**Room 104**

**700 Pilottown Road, Lewes, DE**

Questions from last meeting: Post Hurricane Construction Regulations in New Jersey? Do we have that information?

Introductions – Committee was asked to think if there are other presentations that we could do to help clarify certain aspects of the Regulations/Revisions

Presentation: Building Line 1979 vs. 2004

Q. What would it cost to remap the line with recent topography?

Q. Why are “beach” and “regulated area” defined differently and different in the Act vs. the current Regulations?

Presentation: 4 Step Process

Step 3?

Smallest Subset of Lots

C. Old communities are stuck with smaller footprint houses thereby making them inferior to newer communities. Isn't this discriminatory?

Q. How many comparables should be used in determining average square footage of living area?

C. Communities can create their own rules. If they want to stay what they are they may control that without the Regulations.

C. Communities cannot be more liberal than the regulations, but can be more restrictive

Q. If DNREC did not preserve beach, would said communities even still exist?

Q. Does height come into play?

C. Deck only as far as neighbor. This is a good regulations and well thought out. No matter what no one should be able to go out further.

C. Unincorporated areas would be a zoo without the 4-step process.

Q. Can we do something different with lots that are completely seaward of the Building Line? Sea Level Rise is going to make changes.

C. Footprint could have been more reduced without using average square footage.

C. 20 years out – Building Line should be remapped every 5 years.

C. Goal is to reduce vulnerability along the coast

Q. If we cut the square footage of a certain house in half, do we get better protection of the beach and dune? A. No. The Regulations are intended to protect the beach and the dune, not the structure.

C. We base our program on what has happened and how the coastline has changed. We do not use models to give us future predictions.

C. Sussex County adopted IRBC (International Residential Building Code) approximately 15 years ago and has been updating it since.

C. With future damages on older homes gentrification would allow for newer homes/better building practices/less damages – it is a good thing.

C. New construction regulations and setback requirements could persuade a property owner to remodel vs. tear down and rebuild.

C. These issues need to be discussed among a larger audience

C. Property owners be involved in early discussion.

C. Give presentation to communities

C. Use an open process not something previously put together

C. Discuss issues and consult with professionals prior to public meeting

C. Stairs in setbacks is an issue to be resolved

C. Logic of cantilevered decks. Why not use pile footings? Safer, less costly

C. Timing of outreach efforts

### **Temporary Structures:**

C. Regulations don't mention temporary Structures

Q. Are there town requirements for temporary Structures? A. Rehoboth said yes

### **Future Presentations:**

- How regulations are interacting with local government? Do towns/counties already regulate some of the temporary structures that we may anticipate regulating?
- Shore structures – jetties, hard structure presentation
- Questions regarding 4step in areas like Broadkill, constraints are great. Considering future conditions.
- Questions of problematic areas of current regulations (what bumps in road we have hit)
- Process timeline: where do we go from here?
- Most recent topographical data should be used to map line and determine whether it is worth changing the line. What if nothing happens, consequences?

- Regulation language should be more clear and concise when it goes to the public; otherwise, regulations could be perceived as a taking. Explain how Hammonds were able to build on their lot.
- Law on accretion and erosion on ownership and how precluding construction altogether could be considered a taking.
- Bay alliance feedback: proposals need to be clear and precise.
- New buildings by new standards: what circumstances encourage/discourage property owners to rebuild to new standards?
- EQUITY among common communities
- Regulation of 1979 line in question? What would current line look like

Adjourned

RAC Members in attendance:

- Chuck Coltman
- John Schulties – Kent County
- Tony Pratt – DNREC
- Dirk Durstein – DOJ
- Brian Boutin – The Nature Conservancy
- Susan Love – DNREC, Coastal Programs
- Jennifer Luoma - DNREC, State of Delaware
- Joe Healy – Bethany Beach
- Jim Bailey – Alliance of Bay Communities
- Patty McDaniel – Boardwalk Builders
- Michael Powell - DNREC, State of Delaware
- Sharon Lynn – City of Rehoboth

RAC Members not in attendance:

- Greg Hastings – Designer
- Bryan Elliott – Integrity Builders
- William Lucks – Delaware Association of Realtors
- Connie Holland – State Planning Coordinator
- Wendy Carey – UD Sea Grant
- Pat Cooper – DNREC, Division of Parks and Recreation

Others in attendance:

- Molly Murray – The News Journal
- David Warga- DNREC, State of Delaware
- Frank Piorko – DNREC